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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,128	03/19/2004	Jui-Jen Yueh	TSAI29.001AUS	8915

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EXAMINER	
NGUYEN, DUNG T	

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/805,128	YUEH ET AL.	
	Examiner	Art Unit	
	Dung Nguyen	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Application's response dated 12/20/2005 has been received and entered. Claims 1-18 are remain pending in the application.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui et al., US Patent No. 5,734,457, in view of Kishimoto et al., US Patent No. 6,281,960, as stated in the previous office action.

Regarding claims 1-6 and 8-10, Mitsui et al. disclose a color display module (400) with backlight (401) (figure 4) comprising:

. an upper substrate (13a"), in which a plurality of first color layers (B/G/R) (14") having a thickness of 2μm (col. 7, ln. 32) formed upon the upper substrate (13a") with a plurality of first black matrices (14a"), an upper protective layer (22") and an upper conductive layer (23") cover thereon;

. a lower substrate (13b"), in which a plurality of thin film transistors (TFT)(25") formed on the upper substrate (13b"), a plurality of second color layers (B/G/R)(37) with thicknesses in a claimed range (col. 12, lines 50-51), and a lower conductive layer (24");

. a liquid crystal layer (12").

Mitsui et al., however, do not disclose a plurality of second black matrices and a lower protective layer. Kishimoto et al. do disclose a plurality of color layers (6a/6b/6c) with a

plurality of second black matrixes (BM) therebetween and a lower protective layer (72) being formed over a lower substrate (2)(see figure 4). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to employ a second black matrices and a lower protective layer over the black matrices as shown by Kishimoto et al. in order to obtain an excellent display quality (see col. 5, lines 62-63).

Regarding claims 7, although Mitsui et al. do not disclose an identical thickness for the first color layers and the second color layers, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to form a first color layer and a second color layer having a same thickness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, USPQ 215 (CCPA 1980).

3. Claims 11-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui et al., US Patent No. 5,734,457, in view of Kishimoto et al., US Patent No. 6,281,960, further in view of Tombling et al., US Patent No.6,373,549, as stated in the previous office action.

Regarding the above claims, the modification to Mitsui et al. disclose the claimed invention as described above except for a compensatory layer formed over the lower substrate. Tombling et al. do disclose a retarder (6) can be formed over the lower substrate (2). Therefore, it would have been obvious to one of ordinary skill in the art to employ a compensatory over the TFT in order to obtain a high resolution display (col. 4, ln. 26).

Response to Arguments

4. Applicant's arguments filed 12/20/2005 have been fully considered but they are not persuasive.

Applicant's arguments are as follow:

a. Mitsui fails to suggest the desirability to be modified as or combined with Kishimoto. In particular, Mitsui has suggested a tendency not to utilize black matrices on the lower substrate as well as another over coat layer for electrical connection with the transparent electrodes would therefore be expected to be unnecessary.

b. There is no suggestion or motivation to make the proposed modification since the black matrices would decrease the display aperture and the overcoat layer would reduce the display transmittance.

The Examiner's responses are as follow:

a. Applicant states that Mitsui has suggested a tendency not to utilize black matrices on the lower substrate; however, Applicant provides no support for such contention. It should be noted that the thin film transistor formed between the color layers for display driving purposes rather than utilized on black matrices behalf. In addition, the overcoat layer (the protective layer) is causing *disconnection* of the transparent electrodes rather than providing an electrical connection for the transparent electrodes as asserted by Applicant.

b. In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes flat references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA

1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971) references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969). In this case, the modification to the Mitsui et al. device would employed a black matrices between (i.e., not overlapped) the color layers which are corresponding to the display electrodes. Therefore, it would not be affected to the display aperture. In addition, Applicant provides no support why the display transmittance would be reduced by forming of the overcoat layer; rather than that, Kishimoto et al. clearly disclose such forming a black matrix and the protective layer would obtain an excellent display quality (see col. 5, lines 62-63).

Accordingly, the rejection to the above claims stand.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

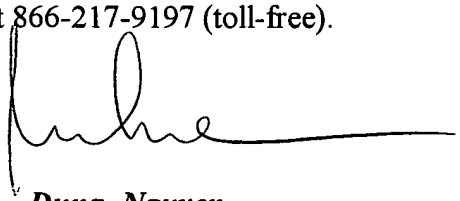
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DN
03/06/2006

Dung Nguyen
Primary Examiner
Art Unit 2871